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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/709,818  | 05/31/2004  | Shih-Hong Chen       | WNCP0006USA         | 3817             |
| 27765   | 7590        | 09/09/2005           | EXAMINER            |                  |
| NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION<br>P.O. BOX 506<br>MERRIFIELD, VA 22116 |             |                      | WIMER, MICHAEL C    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2828                |                  |

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/709,818             | CHEN, SHIH-HONG     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Michael C. Wimer       | 2828                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-14 is/are rejected.
- 7) ☒ Claim(s) 3, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/31/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 6, paragraph number [0023], first line thereof, after "refer", insert --to--.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to because Figure 2 is confusing as to the "elevation fine tune module 25". The lead line of numeral 25 is uncertain. Also, since numeral 25 actually includes three different parts (e.g., arc shaped slot, screw holes and screws, see paragraph no. [0022]). It is suggested to include an arrowhead on the lead line labeled 25 and to point to the general area of these structures instead of apparently pointing to the extension arm 38 (compare to the lead lines for the fixture and module 26 and 32 in Figures 4 and 5 comprising multiple parts).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. Claims 2 and are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 2, line 5, it is unclear if both studded bushings are one and the same. If the second one recited here is another then it should be recited as a second bushing.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,4,7,8,10,11,13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mallenius (6407713).

Regarding Claim 1, Mallenius shows in Figures 1-3, an antenna carrier comprising a mast "S", a mast clamp 10 installed at one end of the mast rotatable with respect to the mast and comprising an extension arm 30, a fixture comprising a holder 12, a bolt 15, and a fine tune module 22,40,42, etc., with one

end (at 22) fixed to the extension arm 30, one end of the holder 12 moveably connected to the fine tune module (e.g., along axis 14, etc.), the bolt 15 moveably disposed in the holder 12 for fixing the holder on one side of the mast, all arranged as claimed.

Regarding Claim 4, one end of the fine tune module is movably disposed on the extension arm of the mast clamp.

Regarding Claim 7, further comprising a bracket 20 having a first end (at 21,31, etc. in Fig. 3) disposed on the first end of the mast clamp and a second end (at 35-39) rotatably disposed on the mast clamp for adjusting an elevation angle of the antenna.

Regarding Claims 8 and 10, a rotational fixture is shown in Fig. 3 with slotted, arcuate apertures for changing the angle of the antenna.

Regarding Claim 11, the arm may be considered "underside" of the clamp as positioning is relative.

Regarding Claim 13, Mallenius shows an antenna device in Figures 1-3, a carrier 12 disposed with the antenna device mounted on bracket 30, a seat or mast "S", a connecting module 20,30 connected to the carrier and a rotation angle fine tune module 20 connected to the seat and the connecting module for adjusting a rotation angle of the carrier and the antenna, all arranged as claimed.

Regarding Claim 14, the rotation angle fine tune module 20 comprises a fixing unit 13 and a fine tuning unit 40, the fixing unit disposed on the seat for fixing the fine tuning unit, all arranged as claimed.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5,6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallenius (6407713) in view of Crean (4628323).

Regarding Claims 5 and 6, Crean is cited as evidence of obviousness and as resolving the level of ordinary skill in the antenna art, and shows in Fig. 1 the mast 14 comprising a support seat 16 and a bushing 20 for connecting the support seat and the mast clamp 22. It would have been obvious to the skilled artisan to employ such a connection taught by Crean in the support of Mallenius, particularly when various angles of positioning are desired.

Regarding Claim 12, U-bolts are routinely used to secure brackets to tubular supports, as illustrated by Crean at element 48. It would have been obvious to the skilled artisan to employ two u-bolts in lieu of the four, single bolts 15 of Mallenius in order to secure the clamp to the mast, as taught by Crean.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mallenius in view of Chou (6762731).

9. Figure 4 of Chou shows the typical interrelationship of feedhorn (e.g., 22), support arm 20 and the dish antenna 16, all mounted on the mast with full rotational capability. It would have been obvious to integrally mount the LNA/LNB/feedhorn on an

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arm 20, as taught by Chou, in the support of Mallenius, as such an arrangement is implied therein and without any mounting obstruction to the dish surface.

***Allowable Subject Matter***

10. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims 3, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

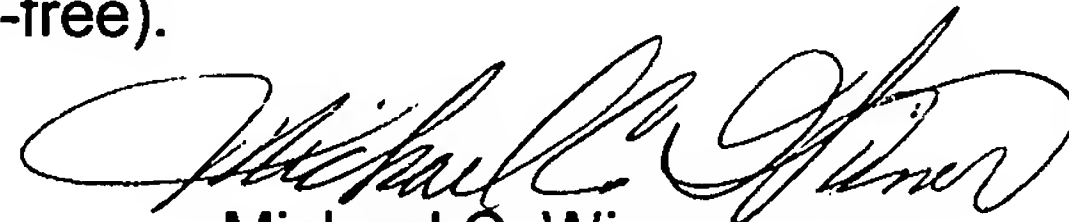
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wimer whose telephone number is (571) 272-1833. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun O. Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael C. Wimer  
Primary Examiner  
Art Unit 2828

MCW  
8/31/2005